

REMARKS

Claims 1-8 and 64-70 were pending as of the date of the Office Action. Claims 1, 3, 8, 65 and 70 have been amended. Claim 4 has been canceled.

Claims 1-8 and 64-69 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,466,200 (hereinafter “Ulrich”). The applicants respectfully submit that Ulrich fails to teach all of the features recited in the claims.

The claims are directed to a method for communicating audio data over a network between a first device and a destination device. According to one aspect of the claimed method, “[a]n audio network layer may be built ‘on top of’ a session/transport layer” (Spec., p. 17, ln. 24 – p. 19, ln. 27). The audio network layer may provide an “audio session,” and the session/transport layer may provide a “data session” that is independent of the audio session of the audio layer. As defined in the specification, a “session” is a network model in which nodes must be members of the same “session” in order to communicate (Spec., p. 12, ll. 3-8). An additional feature of the claimed method is that “the session/transport layer may have a session topology that differs from, and is independent of, the audio layer” (Spec., p. 18, ll. 3-6). The concepts of a “session” and a “session topology” are described in detail in the following sections of the specification: (1) “Data Session Topologies” at p. 14, line 16; and (2) “Audio Session Topologies” at p. 16, ln. 1. These features are now more clearly recited in the independent claims. For example, claim 1 now recites:

1. A method of sending first data from a first device to a destination device ..., said first device being connected to a *data session* in a session/transport layer of the network, *said data session ... having a first session topology* ..., said method comprising the acts of:

joining an *audio session* in an audio layer of the network, *said audio session having a second session topology ..., the session topology of the audio session in said audio layer being different from the session topology of the data session in said session/transport layer* such that said second set of devices to which data may be directly addressed from said first device in said audio session of said audio layer is different from said first set of devices to which data may be directly addressed from said first device in said data session of said session/transport layer, said destination device being a member of said audio session;

(emphasis added). As further recited in claim 1, the method further comprises:

addressing said first data package to said destination device in accordance with *the session topology of said audio session of said audio*

layer; and

sending said first data package to said destination device *via said data session of said session/transport layer*.

(emphasis added). Independent claims 8 and 70 recite substantially the same features. A detailed example of how these features and steps may be implemented in one example network is provided in the specification at page 18, line 10 to page 19, line 27 with reference to Figure 11. These features and method steps are neither taught nor suggested by Ulrich.

Ulrich is directed to an “interactive exercise apparatus” that “engages a user’s mind and body” (Abstract). Several exercise devices can be connected to a network to allow multiple users to exercise in the same simulated environment (col. 5, ln. 60 – col. 6, ln. 1). As further described, a “hub 104” receives data transmitted from users over a “low-bandwidth channel,” and then broadcasts information to the users over a “high-bandwidth channel” (col. 9, ll. 26-44). Thus, the “low-bandwidth channel” is used for *receipt* of information *from* the users, and the “high-bandwidth channel” is then used to broadcast information to all users. In addressing the applicants’ prior arguments, the Examiner appears to assert that the foregoing features of the claimed method are disclosed in column 8, lines 42-67 of Ulrich. However, they are not.

Column 8, lines 42-67 of Ulrich merely describe providing both voice and data communication over a phone line. None of the foregoing portions of Ulrich teaches or suggests the following features of claims 1, 8 and 70:

- “said first device being connected to a *data session* in a session/transport layer of the network, *said data session ... having a first session topology*”
- “joining an *audio session* in an audio layer of the network, *said audio session having a second session topology*”
- “*the session topology of the audio session in said audio layer being different from the session topology of the data session in said session/transport layer*”
- “*addressing* said first data package to said destination device in accordance with *the session topology of said audio session of said audio layer*”
- “*sending* said first data package to said destination device *via said data session of said session/transport layer*”

Because Ulrich fails to teach or suggest the foregoing features of claims 1, 8 and 70, Ulrich does not anticipate those claims.

In addressing the applicants' prior arguments, the Examiner states that "[a]s Applicant's invention is understood from the claims and specification, the audio and data are transmitted separately on different channels." But that is an incorrect characterization of the claimed method. On the contrary, as recited in the claims, the audio data is *addressed* in accordance with the *session topology of the audio session of the audio layer*, but the audio data is actually delivered (*i.e.*, sent) *via the data session of the session/transport layer*. Ulrich does not teach or suggest these features of the claimed method.

Because the foregoing features are not disclosed by Ulrich, the applicants respectfully submit that Ulrich does not anticipate claims 1, 8 and 70. Inasmuch as the remaining claims depend, either directly or indirectly, from one of those independent claims, they too are not anticipated by Ulrich for the same reasons.

Moreover, new claim 70 has also been amended to recite that "the session/transport layer and the audio layer each exposes a respective application programming interface (API) to the other layer," and that "the two layers establish a link between them by providing each other with pointers to their respective APIs." Ulrich also fails to teach or suggest this feature, thus providing another reason why claim 70 is not anticipated by Ulrich.

For the foregoing reasons, the applicants respectfully submit that claims 1-3, 5-8 and 64-70 patentably define over Ulrich. Withdrawal of the Section 102 rejection of those claims is respectfully requested.

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CONCLUSION

In view of the foregoing amendments and remarks, the applicants respectfully submit that the present application is now in condition for allowance.

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